

MINUTES OF THE MEETING
OF THE
BOARD OF DENTISTRY

April 22, 2005

ROLL CALL

The meeting of the Board of Dentistry was called to order at 8:01 a.m. by Paul Tamisiea, Chairperson, in the Staybridge Room of the Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. The agenda was sent to the Board members and other interested parties prior to the meeting. The following members answered the roll call:

Paul E. Tamisiea, DDS, Chairperson
Jane Stratman, RDH
Sam Jacoby, DDS
Jane Lott, RDH
David Mlnarik, DDS
James P. Murphy, DDS
Joan Sivers, DDS
Doris M. Schrader, Secretary
Judith Kissell

Absent: John P. Giddings, DDS, Vice-Chairperson

Present from the Credentialing Division was Becky Wisell, Section Administrator and Vonda Apking, Credentialing Coordinator; Lisa Anderson, Assistant Attorney General; Michael Grutsch, Program Manager and Patricia Lemke, Investigator, and Sue Rydberg, Investigator from the Investigations Division.

ADOPTION OF AGENDA

Wisell mentioned that the Board might discuss having 6 meetings in a year and setting a policy for accepting new material for the agenda. Sivers moved, seconded by Mlnarik, to approve the agenda with ability for the Chairperson to rearrange as necessary. Voting aye: Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: Giddings. Motion carried.

APPROVAL OF MINUTES

October 15, 2004

Wisell explained that the approval of the FY05 budget was inadvertently left out of the minutes. Stratman moved, seconded by Schrader, to re-approve the October 15, 2004 minutes as corrected. Voting aye: Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: Giddings. Motion carried.

January 14, 2005

Schrader moved, seconded by Sivers, to approval the minutes from the January 14, 2005 meeting. Voting aye: Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: Giddings. Motion carried.

Giddings joined the meeting at 8:07 a.m.

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INVESTIGATIONAL REPORTS – CLOSED SESSION

Lott moved, seconded by Stratman, to go into closed session at 8:08 a.m. for the purpose of hearing investigational reports and compliance monitoring report. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Sivers recused herself from discussion at 8:09 a.m.

Sivers rejoined the meeting at 8:12 a.m.

Lott recused herself from discussion at 8:54 a.m.

Lott rejoined the meeting at 9:00 a.m.

The Board returned to open session at 10:05 a.m.

DISCIPLINARY INFORMATION

Actions Taken/ Pending

Wisell explained that Dr. Odom would be removed from the worksheet because his disciplinary action has been explained previously.

UNFINISHED BUSINESS

Enteral Conscious Sedation

Mlnarik moved, seconded by Giddings, to proposed legislation in the 2006 legislative session. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Newsletter

The Board requested to include the website for the ADA Principles of Ethics and Code of Conduct. The Board also mentioned that in the article “Working on an Expired License” to change the effective date of the regulations and add language that each location where anesthesia is used needs to have a permit.

FINANCIAL REPORT

Wisell explained that the Department has been reviewing the base cost and variable cost of a credential. The Department will determine whether there needs to be an increase in the cost of each credential. Wisell informed the Board that the ending balance as of March 2005 is \$117,000.

DISCUSSION ON THE ANESTHESIA APPLICATION FORMS

The Board discussed changing the statutes and the regulations to be able to ask if there has ever been an incident within the last three years. The Board discussed changes to the applications for all three levels of anesthesia. Giddings moved, seconded by Mlnarik, to approve the application forms with the proposed changes. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

LEGISLATION

2005 Legislation

The Board discussed how to implement LB 89. The Board was concerned with charging a fee to those that are volunteering their services. The Board requested that the Department look into being able to waive the fee for those that are volunteering their services. The Board was also concerned about states that allow licensure of people that graduate from non-accredited schools/colleges of dentistry. Wisell commented the licensure could be determined individually rather than by holding a license in another state. Wisell commented that LB 182 is not moving forward because a 407 review is being done. Wisell explained that LB 306 has passed, which requires criminal background checks on new licensee's that have the ability to prescribe within their scope of practice. Wisell also explained that LB 382 should be watched because dentistry could be affected by this bill. LB 382 would allow for electronic signatures on prescriptions. LB 382 would effect dentistry by allowing prescriptions to be signed electronically.

2006 Legislative Concepts

The Board agreed to propose adding enteral conscious sedation to the anesthesia statutes.

Suggested Statutory Changes

The Board discussed the suggested changes to the practice that was received from Dr. Dvorak. The Board asked for volunteers to review the suggested changes to the practice act. Jacoby, Lott, and Stratman volunteered. Tamisiea suggested that all the Board members review the suggested changes and send their suggestions to the Committee members before June 1, 2005. Tamisiea suggested having a meeting with the Department, Department Legal and the Committee after June 1, 2005. Siverson mentioned that there could be other fellowships that have the same criteria for anesthesiology as the American Dental Society of Anesthesiology for example the American Association of Pediatric Dentists. Siverson commented that Dr. Slama might be able to tell us whether other fellowships meet the same criteria for anesthesiology as the American Dental Society of Anesthesiology.

Uniform Licensing Law (ULL) Rewrite

Wisell explained that there will be stakeholders meeting scheduled throughout the state on the proposed changes to the ULL and it is also a topic of discussion for the All Healthcare Related Board Members Meeting scheduled for June of 2005. The Committee will also review the proposed changes to the Uniform Licensing Law.

NEW BUSINESS

CRDTS Issues

Reaction of the Annual Meeting & Workshop from New Board Members

Jacoby commented that the workshop was educational and inspirational. Mlnarik mentioned that he enjoyed Lynn Ray's talk on the history of CRDTS and Dr. Cavel discussion on the grading system.

Report from CRDTS Annual Workshop & Meeting – March 4-6, 2005 – Kansas City, MO

Report from the Examination Review Committee (ERC) Meeting

Tamisiea mentioned that there would be a third examiner to validate a candidate's score when the first two examiners disagree for both the dental and dental hygiene examinations. Tamisiea commented that the prosthodontic examination is scheduled to be accessible on-line in 2006.

Report from the Steering Committee Meeting

Sivers commented that the national clinical examination could be used as soon as the next testing season. Sivers explained that CRDTS has allocated \$200,000 to implement the national clinical examination.

Report from the Executive Committee Meeting

Sivers explained that the discussion at the Executive Committee meeting included how to sell the idea of the national clinical examination to member examiners. Sivers commented that there has been a decrease in the interaction between CRDTS and WREB. Wisell mentioned that changes to the statutes and regulations could be warranted.

Committee Nominations/Appointments

Tamisiea requested that committee appointments should be discussed at the July meeting. Staff will request the committee by-laws from CRDTS.

AADE Issues

Report from the AADE Mid-Year Meeting - March 20-21, 2005

Lott reported that the open forum she participated in, discussed using live patients for examinations. Medical Boards are going to start to use live patients in their examination. The discussion concluded that using live patients was good. Sivers reported that the open forum she participated in, discussed having better communication between the Dental Board and the Dental School/College, anonymity in examining, and new terminology for grading examinations. Mlnarik reported that the open forum he participated in, discussed the national clinical examination and that ADA is developing a similar examination, the peer review process, and renewal requirements such as competency levels. Mlnarik also mentioned that the national clinical examination is approximately 75% developed. Tamisiea reported that the open forum he participated in, discussed public protection. The Board members participated in several workshops with topics on the standard of care, access to care, benchmark protection, licensing of foreign graduates, and remediation. Lisa Anderson commented that she submitted a written report to the Board on her Attorney round table she participated in and thanked the Board for allowing her to attend.

Report from the National Dental Examiners Advisory Forum

Tamisiea mentioned that the validity and reliability of the examinations were discussed. Statistics were discussed for applicants from both accredited programs and non-accredited programs. Discussion also included that the paper version of the examination will be eliminated and examination will be given on-line. There was discussion about the difficulties of finding qualified faculty and the need to look at foreign graduates for faculty positions.

AADE Access to Care: The Role of State Dental Board in Public Access to Oral Health Care

Tamisiea requested that copies be obtained from AADE for discuss at the July meeting.

Nominations for AADE Citizen of the Year

Schrader moved, seconded by Stratman, to nominate Roger Gerstner, DDS, for Citizen of the Year. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried. Apking will find out from Molly Nadler, American Association of Dental Examiners (AADE) whether Dr. Gerstner is a current member. Tamisiea volunteered to write the nomination letter.

Released Comprehensive Part 1 Pilot – National Board of Dental Examinations

The Board requested to keep this documentation on file at the Department.

National Clinical Dental and Dental Hygiene Examination

Mlnarik moved, seconded by Sivers, to send a letter to the American Dental Association (ADA) that the Nebraska Board of Dentistry does not want to reinvent the wheel for another national clinical examination with a copy to the Nebraska Dental Association (NDA). Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried. Tamisiea has drafted a letter. Lott moved, seconded by Sivers, to approve the letter that Tamisiea has drafted. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Application(s) for Anesthesia Permit(s) and/or Reinstatement of Anesthesia Permit(s)

Sivers moved, seconded by Stratman, to approve issuance of an inhalation analgesia permit to Christine Campbell, DDS. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Stratman moved, seconded by Schrader, to reinstate the inhalation analgesia permit of Michael Furmanski, DDS, contingent on Dr. Furmanski answering question #29 of the application and that Dr. Furmanski and staff take a CPR class. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Lott moved, seconded by Mlnarik, to approve issuance of an inhalation analgesia permit to Michael Neal, DDS. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Stratman moved, seconded by Murphy, to reinstate the inhalation analgesia permit of James Polerecky, DDS. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Sivers moved, seconded by Jacoby, to approve issuance of an inhalation analgesia permit to Jason Ross, DDS. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried. The Board requested clarification from Department Legal on the student exemption mentioned in the statutes.

Sivers moved, seconded by Lott, to reinstate the inhalation analgesia permit of Jeffrey Siegert, DDS, contingent on Dr. Siegert answering question G2 of the application. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

UNFINISHED BUSINESS CONT'D

NDA Proposal on Expanded Duties for Dental Assistants

Jerrold Remenga, DDS and John Ahlschwede, DDS presented the NDA's proposal on Expanded Duties for dental assistants and dental hygienists. They explained that the committee looked at several states before developing the proposal. The committee developed the proposal using 5 categories requiring different levels of education. The Board discussed their concern with some of the procedures mentioned in the proposal. The NDA committee is asking for guidance from the Board. Sivers commented that the committee is going in the right direction. Mlnarik commented that this is an excellent idea, but does not want this to lead to money mill. Giddings moved, seconded by Lott, to approve the concept of the NDA proposal and final approval is contingent on the educational component and the requested duties. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried. The Board requested that the NDA, Nebraska Dental Hygiene Association (NDHA) and the Nebraska Dental Assistant Association (NDAA) work together and agree on a final proposal. The Board formed a committee that the three groups can contact with questions. The Board committee will consist of Lott, Stratman, Kissell, Giddings, and Murphy. Tamisiea designated Murphy as chair of the committee.

PUBLIC HEALTH CONTINUING EDUCATION

Jessica Meeske, DDS presented to the Board a request to recognize public health continuing education as acceptable continuing education to renew a dental license. Dr. Meeske explained that she is both a pediatric dentist and a public health dentist. Dr. Meeske provided the Board with a detailed explanation on public health continuing education. The Board agreed that public health continuing education should be acceptable continuing education. Sivers moved, seconded by Giddings, to support the recognition of public health continuing education as acceptable continuing education. Tamisiea requested that the CE committee review other states for specific continuing education requirements. The committee will bring a draft of criteria for acceptable continuing education back to the July meeting.

SCHOOL-BASED SEALANT PUBLIC HEALTH PROGRAM

Kelly Gould, RDH, explained to the Board that she has been hired by Hope Medical Outreach Coalition to provide service for a program called Sealing Smiles. Her duties include applying sealants to children under the direction and general supervision of a dentist. The Board's opinion was that this practice would be acceptable but would like Wisell to ask Department Legal and then respond to Ms. Gould in writing.

Application for Approval of Local Anesthesia Course(s)

Stratman moved, seconded by Lott, to approve the Parkland College local anesthesia course. Voting aye: Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: Giddings. Motion carried.

Sivers moved, seconded by Lott, to approve the Carl Sandburg College local anesthesia course contingent on obtaining clarification that students perform at least three of each required injection. Voting aye: Giddings,

Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Stratman moved, seconded by Lott, to approve the American Institute of Health Technology local anesthesia course. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Renewal Update

Wisell informed the Board that the Department revoked 13 dentists and 18 dental hygienists on April 13th. Wisell updated the Board that 240 dental hygienists and 331 dentists renewed on-line this renewal period. Wisell also explained that several dental hygienists and dentists received an administrative penalty for practicing after their license had expired.

Practice Question

The Board received a letter from Dr. Daniel Maas concerning a clarification on dental auxiliary roles for in-office bleaching. The Board discussed the issue and determined the following:

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| Question: | Can a hygienist place the gingival barrier? Under what level of supervision? |
| Answer: | Yes, under general supervision. |
| Question: | Can a hygienist place the bleaching material? Under what level of supervision? |
| Answer: | Yes, under general supervision. |
| Question: | Can a hygienist monitor the material after placement.? Under what level of supervision? |
| Answer: | Yes, under general supervision. |
| Question: | Can a hygienist operate any light source for the procedure? Under what level of supervision? |
| Answer: | Yes, if it is just a light, but if the light source is a laser the hygienist would need to have Category II training from the Academy of Laser Dentistry. This can be performed under indirect supervision. |
| Question: | Can a hygienist apply any necessary post procedure fluoride? Under what level of supervision? |
| Answer: | Yes, under general supervision. |

Lott moved, seconded by Giddings to rescind the Board motion on not allowing Zoom to be applied by hygienists from their January 14, 2005 meeting. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

The Board discussed the same practice question for dental assistants and determined the following:

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| Question: | Can a dental assistant place the gingival barrier? Under what level of supervision? |
| Answer: | No. |

Question: Can a dental assistant place the bleaching material? Under what level of supervision?

Answer: No.

Question: Can a dental assistant monitor the material after placement.? Under what level of supervision?

Answer: No.

Question: Can a dental assistant operate any light source for the procedure? Under what level of supervision?

Answer: No.

Question: Can a dental assistant apply any necessary post procedure fluoride? Under what level of supervision?

Answer: Yes, under general supervision.

Sivers presented a question from Dr. Eric Fung concerning a dentist prescribing propranolol for a patient to take before a dental procedure. Mlnarik referenced the Physician's Desk Reference (PDR). The PDR does not reference propranolol for general anxiety disorder. Lott moved, seconded by Mlnarik, that prescribing propranolol by a dentist is beyond the scope of the practice of dentistry. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried. The Board recommended that the dentist work with a physician if prescribing propranolol is needed before a dental procedure is performed.

Another practice question was reviewed concerning whether a dental hygienist could be an independent contractor. The Board discussed the issue and determined that a hygienist could be a contractor under the practice act, but it is a legal question regarding the definition of independent contractor. This person would need to ask his or her own attorney.

All Healthcare Related Board Member Meeting

Wisell informed the Board members that the All-Healthcare Related Board Member Meeting will be held at Mahoney State Park on June 15, 2005.

Licensee Assistance Program (LAP) Workshop

Wisell informed the Board members that the LAP Workshop would be held in Norfolk on May 6, 2005.

Other New Business

Stratman, Jacoby, Tamisiea, Murphy, Mlnarik, Sivers, Lott, Kissell and Anderson are interested in attending the AADE Annual Meeting held in Philadelphia.

APPLICATION REVIEW – CLOSED SESSION

Lott moved, seconded by Stratman, to go into closed session at 3:34 p.m. for the purpose of discussing applications for licensure. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

The Board returned to open session at 4:09 p.m.

Application(s) for Licensure and/or Reinstatement

Stratman moved, seconded by Giddings, to approve the application of Renee Fishler, contingent on meeting the rest of the requirements for licensure. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Stratman moved, seconded by Lott, to approve the application of Mary Kristin Harrington, contingent on meeting the rest of the requirements for licensure. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Lott moved, seconded by Schrader, to approve the application of Sara Janacek, contingent on meeting the rest of the requirements for licensure. Voting aye: Giddings, Jacoby, Kissell, Lott, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Abstain: Mlnarik. Absent: none. Motion carried.

Stratman moved, seconded by Mlnarik, to request a copy of the alcohol evaluation that was perform on Heidi Mihovk for the purpose of her criminal conviction. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Lott moved, seconded by Sivers, to approve the application of Adeline Schmit, contingent on meeting the rest of the requirements for licensure. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Murphy moved, seconded by Stratman, to approve the application of Kristin Schwarting, contingent on meeting the rest of the requirements for licensure. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Murphy moved, seconded by Kissell, to approve the application for licensure of Shirley Wall. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Giddings moved, seconded by Sivers, to approve the application for licensure of Christopher Redd, DDS. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Murphy moved, seconded by Stratman, to reinstate the dental hygiene license of Stephanie Ham, contingent on providing proof of one more hour of continuing education. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Murphy moved, seconded by Stratman, to reinstate the dental hygiene license of Patricia Seiler. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

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GENERAL INFORMATION

Tamisiea requested that discussion of meeting frequency and cutoff date for meeting material be placed on the agenda for the July meeting.

ADJOURNMENT

Giddings moved, seconded by Murphy, to adjourn the meeting at 4:25 p.m. Voting aye: Giddings, Jacoby, Kissell, Lott, Mlnarik, Murphy, Schrader, Sivers, Stratman. Voting nay: none. Absent: none. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Doris M. Schrader".

Doris Schrader, Secretary
Board of Dentistry